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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,236	04/12/2007	Akihito Shimahara	278542005800	5420

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MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO, CA 92130-2040

EXAMINER
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SIVJI, NIZAR N

ART UNIT	PAPER NUMBER
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2617

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05/18/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,236	<b>Applicant(s)</b> SHIMAHARA ET AL.	
	<b>Examiner</b> NIZAR SIVJI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of the Claims*

1. Claims 1, 3-22 are currently pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1, 3-13, 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwanaga et al. Pub. No 2003/0092375 in view of Yoshiki Japanese Pub. No. JP8162909 (Reference in IDS) and further in view of Denso Corp Pub. No. JP 2004-23753 A (Reference in IDS).

**Regarding Claim 1**, Iwanaga discloses a storage unit (Fig. 2 Unit 5) operable to store information of a base station in correspondence with a receiving frequency of a

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broadcast Station receivable in an area indicated by the position information (Para 56-61 and Fig. 2, a storage unit 5 (corresponding to the broadcast information storing means and the cell information storing means). The storage unit 5 is comprised of a cell information storage table 51 and a broadcast information storage area 52. The antenna 2 mounted in the mobile phone 1 is configured to receive signals in a predetermined frequency band to and from the base station B1, B2. The broadcast information storage area 52 has an area for storing the broadcast information constituent data A including value-tags); when the acquired position information is not stored (Para 72, and fig. 3 Unit S2—S21, when the mobile phone 1 determines that it does not have scrambling code, the value tag, the cell ID of the cell selected at S11), and receiving frequencies of broadcast stations in correspondence with the acquired position information in the storage unit (Para 74, mobile phone refer to as having a recording unit stores the broadcast information in the broadcast information storage area); and a receiving control unit (Para 59, The control unit 4 reads out a program preliminarily recorded in ROM and exercises general control over each of the components according to the program. The control unit 4 also executes a process of selecting a transfer target cell and making a transfer to the cell). Iwanaga differs from the claimed invention in not specifically teaching a position information acquisition unit operable to acquire position information of a base station; a judgment unit operable to judge whether the acquired position information of the base station is stored in the storage unit; and, when the acquired position information is stored, read the receiving frequency corresponding to the acquired position information and instruct the broadcast receiving unit to receive the

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broadcast at the read receiving frequency and attempt to detect a receiving frequency of a broadcast station having a receiving intensity of no less than a predetermined level within a frequency range defined for an area indicated by the acquired position information. However, Yoshiki discloses (Para 8, 10, 18, 30) a terminal unit which has a position information storage means (101) which memorizes position information of a wireless base station. A broadcast station selecting means (9) and a frequency memory measure (102, 103, and 104) which memorizes at least one broadcasting station frequency about each of position information on two or more wireless base stations. A terminal unit also has a judging means (12, 8) to judge further receiving sensitivity in frequency searched means (8) from the 1<sup>st</sup> in the 3<sup>rd</sup> one of composition to the 4<sup>th</sup> to be. A position information restoration means (101) to restore position information on the wireless base stations. The control section 8 will require position information of a wireless base station and will register into the position information registering part 101 in the storage parts store the position information returned from this wireless base station. Further (Para 37-45) disclose that when the frequency corresponding to the second area differ from the frequency which is 1332 KHz and was well aligned above from the correspondence table shown in drawing 2(b) refer to as intensity of no less than a predetermined level within a frequency range defined for an area. So when receiving sensitivity is bad, as long as another frequency about a certain broadcasting station is searched, it is made to align with that frequency. Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that a position information acquisition unit operable to acquire position information of a base station; a judgment

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unit operable to judge whether the acquired position information of the base station is stored in the storage unit; and, when the acquired position information is stored, read the receiving frequency corresponding to the acquired position information and instruct the broadcast receiving unit to receive the broadcast at the read receiving frequency and attempt to detect a receiving frequency of a broadcast station having a receiving intensity of no less than a predetermined level within a frequency range defined for an area indicated by the acquired position information as per teaching of Yoshiki so as to make a quicker cell transfer, as compared with the case of the mobile communication terminal transferring to the cell while receiving the whole of the broadcast information. Iwanaga and Yoshiki differ from the claimed invention in not specifically teaching an recording unit operable to record data into the storage unit. However, Denso disclose recording history of the device into the memory (Para 12- 14). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that recording unit operable to record data into the storage unit as per teaching of Denso so when the cell goes to that particular area again require minimum data transfer.

**Regarding Claim 3**, Yoshiki discloses further a table acquisition unit operable to acquire a frequency range correspondence table that shows a correspondence between area information that identifies a country or an area and a frequency range receivable in the identified country or area; and a specification receiving unit operable to receive a specification of a piece of area information, wherein the frequency detection unit performs the auto preset processing within the frequency range corresponding to the specified area information (Para 35).

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**Regarding Claim 4**, Yoshiki discloses further wherein the frequency range correspondence table shows a correspondence among the area information, the frequency range, and an audio de-emphasis amount in the identified country or area, the mobile phone includes an audio output unit operable to output audio, and the audio output unit outputs the audio by deemphasizing an audio signal of the broadcast to be received based on the audio de-emphasis amount corresponding to the specified area information (Para 37).

**Regarding Claim 5**, Iwanaga discloses further a reading time recording unit operable to, each time the receiving frequency is read by the receiving control unit, record a last reading time of the receiving frequency in correspondence with an area number corresponding to the receiving frequency in the storage unit; a monitoring unit operable to monitor the last reading time corresponding to the area number at a constant time interval (Para 104-107). Iwanaga and Yoshiki differ from the claimed invention in not specifically teaching a recording deletion unit operable to delete the recorded number of receives counts. However, Denso discloses that walkie-talkie provided with a history recording device which records a using history of software saved in a memory and a deletion means, when saving in the memory software which an external acquisition means acquired, based on empty situations of a memory, and a using history of software which a history recording device is recording, a part of software in a memory is deleted from a memory to perform management of more efficient software (Para 12-13, 61-62). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that a recording deletion unit operable to delete the recorded

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number of receive counts as per teaching of Denso so as to manage the memory in an efficient manner.

**Regarding Claim 6**, Iwanaga discloses further a number of read counts recording unit operable to, each time the receiving frequency is read by the receiving control unit, update a number of read counts of the receiving frequency, and record the updated number of read counts in correspondence with an area number corresponding to a read number of receive counts in the storage unit; a monitoring unit operable to monitor the number of read counts corresponding to the area number within a predetermined time period(Para 104-107). Iwanaga and Yoshiki differ from the claimed invention in not specifically teaching a recording deletion unit operable to delete the recorded number of receives counts. However, Denso discloses that walkie-talkie provided with a history recording device which records a using history of software saved in a memory and a deletion means, when saving in the memory software which an external acquisition means acquired, based on empty situations of a memory, and a using history of software which a history recording device is recording, a part of software in a memory is deleted from a memory to perform management of more efficient software (Para 12-13, 61-62). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that a recording deletion unit operable to delete the recorded number of receive counts as per teaching of Denso so as to manage the memory in an efficient manner.

**Regarding Claim 7**, Denso discloses further wherein the monitoring unit monitors whether a memory capacity of the storage unit is full, and the recording deletion unit,



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only when the memory capacity is full, deletes the recorded number of receive counts from the storage unit (Para 12-13, 61-62).

**Regarding Claim 8**, Yoshiki discloses further wherein the position information is position information of a call area to which the base station belongs (Para 8).

**Regarding Claim 9**, Yoshiki discloses wherein the position information is position information of a call area to which the base station belongs (Para 8).

**Regarding Claim 10**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1 and 2).

**Regarding Claim 11**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1 and 2).

**Regarding Claim 12**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1 and 2).

**Regarding Claim 13**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1 and 2).

**Regarding Claim 15**, Iwanaga disclose the position information is position information of a call area to which the base station belongs (Para 4 and 16).

**Regarding Claim 16**, Iwanaga disclose the position information is position information of a call area to which the base station belongs (Para 4 and 16).

**Regarding Claim 17**, Yoshiki discloses the position information is position information of a call area to which the base station belongs (Para 8).

**Regarding Claim 18 and 19**, Yoshiki discloses the position information is position

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information of a call area to which the base station belongs (Para 8).

**Regarding Claim 20**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1).

**Regarding Claim 21**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1).

**Regarding Claim 22**, Yoshiki discloses wherein the broadcast is a television broadcast or a radio broadcast (Para 1).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwanaga et al. Pub. No 2003/0092375 in view of Yoshiki Japanese Pub. No. JP8162909 (Reference in IDS) and further in view of Denso Corp Pub. No. JP 2004-23753 A (Reference in IDS) and further in view of Chang et al. Pub. No. 2004/0192346

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**Regarding Claim 14**, Iwanaga, Yoshiki and Denso differ from the claimed invention in not specifically teaching the monitoring unit monitors whether a memory capacity of the storage unit is full, and the recording deletion unit, only when the memory capacity is full, deletes the recorded receiving frequency from the storage unit. However, Chang disclose (Para 37) storing location information where the memory became full. The mobile unit 530 then deletes the recorded location from the memory. Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that the monitoring unit monitors whether a memory capacity of the storage unit is full, and the recording deletion unit, only when the memory capacity is full, deletes the recorded receiving frequency from the storage unit as per teaching of Chang so as to make sure that the database will not grow excessive in size.

### ***Response to Arguments***

Applicant's arguments, see Page 7, filed 5/3/2010, with respect to 1, 3-22 have been fully considered and are persuasive. The rejection of claims 1-13 has been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAR SIVJI whose telephone number is (571)270-7462. The examiner can normally be reached on 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/NIZAR SIVJI/  
Examiner, Art Unit 2617